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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIAH

WRIT PETITION NO.19306/1989

BETWEEN:

1. M.A.Aleem Thimmapuri,
S/o Abdul Kareem Thimmapuri,
2. M.A.Jabbar Thimmapuri,
S/o Abdul Kareem Thimmapuri,

Both are Major, R/at Thimmapuri
Buildings, Station Bazaar,
Gulbarga.

... Petitioners.

(Sri.Mohd.Shafiuddin & Sri.G.B.Shastri for
Petr.No.1, Sri.G.L.Vishwanath & M/s.Vazir
Associates for Petr.No.2.)

AND:

1. State of Karnataka,
by its Secretary,
Vidhana Soudha,
Bangalore - 1.
2. The Special Deputy Commissioner,
Gulbarga Dist., Gulbarga.

... 2/-

3. The Asst. Commissioner &
Land Acquisition Officer,
Gulbarga Dist., Gulbarga.

4. Karnataka Housing Board,
Gulbarga, by its Secretary,
Station Bazar Road,
Thimmapuri Chowk,
Gulbarga.

... Respondents.

(R-4 amended as per court order dt.14/3/95.)

(Sri.K.Nagaraja, HCGP, for R-1 to R-3,
Sri.R.S.Hegde for R-4.)

This Writ Petition filed under Articles 226
& 227 of the Constitution of India with an affi-
davit praying to: quash Annexures E dt.20-8-87
No.LAQ.99/87-88 and F dt.25.4.88 No.RD.57/AQG.88
and etc.

This Writ Petition coming on for final
disposal this day, the Court made the following:

O R D E R

bsr(c.t.)

r.by: *

c.by: *Dr* 24/9/98.

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12/8/98

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CSJ:

30-6-1998.

WRIT PETITION NUMBER 19306 of 1989

The petitioner has challenged the notifications issued under section 4 (1) and 6(1) of the Land Acquisition Act, in this Writ Petition.

2. The Division Bench of this Court in Writ Petition No. 3538 to 3542 of 1996 and other connected cases disposed of on 15-6-1998, has held that the Karnataka Land Acquisition Act 1961 was non-existent being impliedly repealed with the commencement of Central Act No. 1 of 1894 and further held that the Deputy Commissioner, who issued the notifications under section 4 (1) and 6(1) of the Act, subsequent to Central Act 1 of 1894, as amended by Act No. 68 of 1994 came into force, had no authority of law.

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3. In the instant case, the Preliminary Notification is dated 24-10-1986 is subsequent to Central Amendment Act No. 68 of 1984 came into force. Following the said decision and for the reasons stated therein, this Petition is allowed. The impugned notifications issued under section 4 (1) and 6(1) of the Land Acquisition Act are quashed in so far as the lands of the petitioners are concerned. However, this order will not come in the way of the State Government initiating fresh proceedings.



Sd/-
JUDGE

